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HOTMAN AND THE "FRANCO-GALLIA"

"AS long as the world remains a world," quaintly observes Pierre Bayle, "there will everywhere be ambulatory doctrines dependent on times and places,—true birds of passage which are in one country during the summer and in another during the winter,—wandering lights that, like the Cartesian comets, illuminate successively several vortices."<sup>1</sup>

The words of the great critic were uttered with primary reference to the doctrine of the passive obedience due by subjects to their prince and to the attitude of the Huguenots, and especially of their foremost writer on jurisprudence, François Hotman, to that doctrine. For it cannot be denied that the history of the Huguenots, even more than the life of Hotman himself, gave point to the caustic observation.

Great propositions, whether political, social, or religious, are rarely formulated in advance of the necessity, supposed or real, that demands their announcement to the world. They are for the most part the challenge of an accepted error, a gauntlet thrown down for any of the champions of the error to pick up.

The first advocates of the reformatory movement in France had no reason to call in question the absolute right of kings to command their subjects, and the absolute duty of obedience on the part of subjects, save on one point—the religious convictions, the conscience. They were, indeed, from the very start, accused of a tendency to innovation, not less in state than in church; and although they indignantly denied the charge, their enemies made all the capital possible out of it. It will be remembered that a papal nuncio is said on one occasion to have made this a powerful and effective argument to stop forever the half-

<sup>1</sup> *Dictionnaire Historique et Critique*, article *Hotman*.

formed, or, at least, half-expressed intention of Francis I. to imitate the example of a change of religion lately given him by Henry VIII. beyond the British Channel. "Sire," he retorted, to the monarch's petulant threat, "to speak with all frankness, you would be the first to repent your rash step. Your loss would be greater than the pope's; for a new religion established in the midst of a people involves nothing short of a change of prince." The king, we are given to understand, believed the prelate's assertion, and, to the end of his life, looked with suspicion upon the reformers as covert revolutionists.<sup>1</sup>

For many a year, the slightest pretext, or no pretext at all, sufficed their opponents to start from time to time the story that the monarch's Protestant subjects were plotting to divide a part or the whole of France into cantons fashioned upon the model offered by their Swiss neighbors.

Meanwhile the leading writers in the interest of the reformation were careful, both to inculcate upon their followers the duty of submission to constituted authority and to exempt from that submission the domain of conscience. Every form of government, in their view, must be respected, as deriving its very existence from the providential ordering of God; but no government must be obeyed when it enjoins that which is contrary to God's commands. This can best be seen by noticing the manner in which John Calvin deals with the interpretation of one or two passages in the New Testament, which tyranny has, in all ages, adopted as its proof-texts, and by means of which it has sought to give to absolutism the appearance of a Biblical sanction. In the first of these (Rom. xiii. 1) Calvin finds the principle that "albeit tyrannies and unjust dominations, inasmuch as they are full of deformity, are not of the ordinary government; yet, nevertheless, the right of government is ordained of God for the health of mankind," and that therefore the apostle commands that the authority and government of magistrates be willingly and cheerfully received and revered as profitable to mankind. In the other passage (1 Peter ii. 13) the reformer regards the meaning of the writer to be that obedience is due to all who rule, because they have been raised to that honor not by chance, but by God's providence. Many, he remarks, are wont to inquire too scrupulously into the question, by what right power has been attained; but this alone ought to content us, that power is possessed and exercised. In strict accord with this, Calvin views the injustice of rulers (the Romans in Asia Minor, for example) both in acquiring

<sup>1</sup> Brantôme, *Œuvres*, IX. 202. See *The Rise of the Huguenots*, I. 103.

and in administering government, as an *abuse* which does not alter the great and divine end for which government was instituted. Princes may, so far as they can, pervert the holy ordinance, and magistrates, instead of bearing the image of God, become wild beasts; yet government itself, being established by God, ought to be so highly valued, that we shall honor even tyrants when in power. Besides which, he declares that there has never been a tyranny, nor can one be imagined, however cruel and unbridled, in which some portion of equity has not appeared; and that some kind of government, however deformed and corrupt it may be, is always better and more beneficial than anarchy.

Evidently, in all this, there is nothing calculated to give aid and comfort to monarchical despotism. The commentator, in fact, finds no reason for the express mention of the "king" by St. Peter, in the last passages referred to, but that the regal form of government was more disliked than any other, and that under it all other forms were included. In other words, it was authority as authority, and not *royal* authority in particular, that Calvin, interpreting the Bible according to the intention of the writers, as he thought, would have honored and submitted to. The warrant of the king to rule in his kingdom was precisely the same as that of the magistrate, of whatever degree, to exercise his functions in his lower sphere of action; both were in the same sense ordained of God. Calvin's contempt for the arrogant and exclusive claim of kings to this prerogative, appears most conspicuously in the indignant passages from his commentary on Daniel, which John Milton has pointed out in his treatise on "The tenure of kings and magistrates," and which he thus translates:<sup>1</sup> "Nowadays, monarchs pretend always in their titles, to be kings by the grace of God; but how many of them to this end only pretend it, that they may reign without control; for to what purpose is the grace of God mentioned in the title of kings, but that they may acknowledge no superior? In the meanwhile, God, whose name they use to support themselves, they willingly would tread under their feet. It is, therefore, a mere cheat, when they boast to reign by the grace of God."<sup>2</sup> "Earthly princes depose themselves, while they rise against God; yea, they are unworthy to be numbered among men: rather it behoves us to spit upon their heads, than to obey them."

<sup>1</sup> Milton's *Prose Works*, 243.

<sup>2</sup> In the original: "Merus igitur fucus est, quod jactant se Dei gratia pollere dominatione." Praelect. in Daniele, in Baum, Cunitz et Reuss, *Ioan. Calvini Opera* (Bruns., 1889), XL. 670.

After all, however, the reformer preferred to take into his view no "intolerable oppression" that might justify the throwing off of the tyrant's yoke, and limited himself to the purely religious aspect of the case. It was when they rose against God that earthly princes *ipso facto* deposed themselves. It was in their commands that antagonized the higher commands of Heaven, that they might justly, indeed that they must, be resisted. The principles which he inculcated might lead to ulterior consequences for which he made no present provision: it was enough for him to enunciate them. More perilous in the aspect of things which confronted him than even the danger of political tyranny, was the danger of insubordination, the menace not to society alone, but to religion as well, from the proneness of men toward a contempt of all civil authority that had manifested itself in places, and tended, by its assumption of a religious garb, to bring religion itself into disrepute.

Yet while he was so conservative as to refuse to private persons the right to do anything else than obey and suffer, it must be noticed that Calvin concedes the right of resistance to royal authority to such magistrates as might be constituted to curb the too great cupidity and license of kings. And it is particularly noticeable that among these he mentions not only the ephors of old time at Sparta and the tribunes of the people at Rome, but the states-general so hated by absolute monarchs.<sup>1</sup>

It was in accord with Calvin's teachings, and with the instructions of the teachers that had been moulded under his influence at Geneva, that, in the midst of aggravated persecution such as was endured during the reigns of Francis I. and his son Henry II., its victims refused, it is true, to obey the monarch where the royal commands conflicted with the "higher law," but nevertheless abstained from making any uprising, any armed resistance, any violent attempt to assert their natural rights. Accordingly, in the last days of the reign of Henry II., the first religious synod of the French Protestant churches placed at the end of their confession of faith, as its thirty-ninth and fortieth articles, a frank expression of loyalty. In the one article they profess their belief in the divine authority of government, established by God in the form of kingdoms, republics, and all other sorts of principalities, "be they hereditary or otherwise." In the other they declare: "We therefore hold that we must obey their laws and statutes, pay

<sup>1</sup> "Et comme sont, possible, aujourd'huy en chacun royaume les trois estats quand ils sont assemblez." *Institution chrestienne*, liv. 4, ch. 20. In Baum, Cunitz et Reuss, IV, 1160.

tribute, imposts, and other dues, and bear the yoke of subjection of a good and free will, even be they unfaithful (*infidèles*); provided that the sovereign authority of God remain in its integrity. Therefore we detest all those that would reject the higher powers, introduce a community and confusion of goods, and overthrow the order of justice."<sup>1</sup>

When, not many days after these words were penned, Henry II. lost his life in the tilt to which he had challenged the reluctant captain of his Scotch archers, the course of history was changed to a degree that no one could have anticipated. A youth, a minor in fact if not in name, succeeded to the vacant throne. Now the rule of a minor is always the rule of those subjects that are so fortunate as to secure the control of the king's person or his mind. Francis II. was, unhappily, just old enough to seem to be entitled to exercise the functions of royalty and render the appointment of a regency unnecessary, while yet he deputed the full powers of government to others, especially to his wife's uncles, the Cardinal of Lorraine and the Duke of Guise. The sequel is familiar to all readers of history. Within a few months the new favorites had been violent enough and clumsy enough to arouse a spirit of opposition to their administration of the affairs of France, that must, in the very nature of things, soon find expression. Persecution was continued; indeed, was aggravated. Now, persecution at the hands of a king in the full possession of his mental powers is one thing; persecution under an immature and weak-minded boy-king, at the hands of nobles, is quite another thing. To see a member of the high court of parliament executed, would, in any case, have moved the people; but to see the most virtuous judge upon the bench strangled and then burned, dying with words of love upon his lips and assurances that he died not as a thief or a robber, but for the Gospel, — this was beyond the power of men of principle to endure with equanimity. To religious motives, political causes were added. The result was an explosion which is generally known as the Tumult of Amboise, — an unfortunate attempt at an uprising which the Guises quelled with a needless display of cruelty, attended by such bloodshed that it has rendered infamous both the prelate and the duke.

The Guises found it to their interest to consider the uprising, and to represent it to the king, as directed against him and against his royal authority. A letter was accordingly despatched in the name of Francis II. to the chief judicial officers throughout

<sup>1</sup> *Recueil des choses mémorables faites et passées pour le fait de Religion et estat de ce Royaume, Premier volume.* s.l. 1565. Page 69.

the kingdom, in which the enterprise was denounced as a detestable conspiracy. The Huguenots, now for the first time beginning to be known by this name, replied to this production, taking up its statements one by one, and defending the course which the malcontents had taken.

"There is no religion instituted by God, and there is no law received by men, that excuses the subject in taking arms without the consent of his sovereign," said the royal letters.

"This is true," replied the Huguenot commentator, "when the subject takes arms against his prince, against the law, against his own country. But the religion of God and all laws received among men, not only excuse, but command the subject to arm himself for the defence of his natural prince when he is oppressed, for the preservation of the law, and for the protection of the country."

"It is to the sovereign prince alone that is reserved of God the authority and power of the sword," again said the writer of the royal letters; to which the Huguenot unhesitatingly replied: "We confess that this is so, provided that the aforesaid prince knows by himself, or by means of a good and legitimate council, how to administer and dispense that authority to the honor of God, to his own advantage, and to the advantage of his subjects. But if this authority has been taken from his hands, and another person has unjustly appropriated it, the subject is unfaithful to his king if he suffers it and acquiesces in it, and he is injurious to his native land, if he can remedy the matter and does not do so."<sup>1</sup>

Here was as yet no assertion of the right to resist a legitimate king acting as a tyrant, but only the assertion of the right, or rather the duty, of the subject to resist those who have, in some way or other, usurped the king's functions. Even on this point, however, the religious teachers who had been consulted in advance of the Tumult of Amboise were not unanimous; although it was perhaps not so much respecting the lawfulness as respecting the expediency of the movement that there was some diversity of opinion. Calvin and Beza were filled with apprehension as they thought of the consequences of civil war and bloodshed that might ensue, and earnestly dissuaded from a resort to force. There were, however, counsellors, jurists and others, that pronounced it lawful to take up arms to repel the violence of the Guises, under

<sup>1</sup> *Reponse chrestienne et défensive sus aucuns poincts calomnieux contenus en certaines Lettres envoyées aux Baillifs, Seneschaux et Lieutenans du Roy. 1560. In Recueil des choses mémorables, 103, 105.*

the authority of a prince of the blood, such as the promoters of the scheme darkly hinted that they could count upon in the Prince of Condé, and at the solicitation of the Estates of France, or the soundest part of them.<sup>1</sup>

There can be little doubt that among the jurists thus consulted was François Hotman; there is none that he gave to the movement his unqualified sympathy and his most effective support.

Hotman was at this time in the thirty-sixth year of his age, — he was born in 1524, — and had already won great distinction for himself. His family, which was one of some prominence, came originally from Breslau, in Silesia. His father, Pierre Othman, or Hotman, had risen to the office of "Master of the Waters and Forests," and from that had become one of the counsellors or judges of the Parliament of Paris. François, the eldest of eleven children, was intended by his father for the bar, and, according to the system then prevailing in the judicial system, enjoyed the clear prospect of succeeding in good time to a seat in the highest tribunal of France. The father was a devoted adherent of the church of the state, and brought up his children in the same church. There was no obstacle on that score. Nor was it for any lack of ability or application on the part of François, that his father's hopes were not realized. When barely fifteen years of age, the boy was sent to study law in the University of Orleans, famous at that time for the learning of its professors. So well did he spend his time that only three years elapsed before he returned to the capital, having earned the degree of doctor. This was exceptional, but it was as nothing to what followed. Admitted to the bar, he had the promise of a brilliant career, but soon turned in disgust from a pursuit that appeared to him full of chicanery, and devoted himself to the theory of the law, which pleased him better than its practice. He was only twenty-two years old when, in 1546, he began to lecture publicly on jurisprudence with such erudition and such brilliancy that the great Étienne Pasquier in after years counted it one of the greatest pieces of good fortune that ever befell him that he was permitted at this time to be among Hotman's admiring hearers. It was in the midst of the unbroken course of his strange popularity that Hotman suddenly left Paris, renounced all his brilliant future, and forsook a life of ease and comfort for an existence of which exile was the ordinary, and actual privation the not infrequent characteristic. The young lecturer had secretly imbibed the views of the persecuted reformers; he was now resolved to make a public profession of those views. The bold act

<sup>1</sup> See *Rise of the Huguenots*, I. 378, 379.



cut him off from his family. His father virtually disinherited him, and while, at a later time, one brother was in the service of the Cardinal of Lorraine, and, still later, another was involved in the fatal "League," the family had only reproaches for the most brilliant of its members who had gone over to the camp of the enemies of the established church.<sup>1</sup>

Compelled to take refuge on foreign soil, the young jurist was sought successively by the universities of Lausanne and Strasbourg. The elector palatine welcomed him at Heidelberg, appointing him one of his councillors, and sent him on a dangerous mission, about the time of the Tumult of Amboise, to confer with the Prince of Condé, the secret leader of the enterprise against the Guises. It was soon after the disastrous failure of the plan that the refugee published, probably at Geneva, an anonymous pamphlet which gives perhaps a better idea than any of the acknowledged productions emanating from his pen of Hotman's unsurpassed ability as a writer of pure and vigorous French. The pamphlet was entitled "A Letter to the Tiger of France," — *Epistre envoyée au Tigre de la France*. The "Tiger" is the Cardinal of Lorraine, whom, not without reason, the writer regards as the author of all the misfortunes of his country, and whose misdeeds he attacks with a directness and a vehemence, almost amounting to ferocity, that have been rarely equalled. The orations of Cicero against Catiline afforded Hotman a model, and he had undoubtedly an advantage in this, that the great Roman orator's invective had as yet had few imitators and could not, as at present, be said to have lost its power through frequency of repetition. Even in those days, however, it required the hand of a master to sustain throughout the high pitch with which he had begun, and to make the climax of the peroration even more terrible than the opening sentences.

The *Epistre envoyée au Tigre de la France* need not detain us long, despite its intrinsic importance and the interest attaching to the almost miraculous recovery of a single copy in recent years, after the supposed destruction of the entire impression.<sup>2</sup> It was not an attack upon the king or upon his authority, but upon the prelate who, presuming upon his relationship with the queen, had made himself master of the state. Like the prime participants in the movement whose disastrous failure was the

<sup>1</sup> See Bayle, Nicéron and Haag for a more detailed biography.

<sup>2</sup> Not to speak of the happy accident that this copy was saved from the flames at the burning of the Hôtel de Ville and its library by the Commune in 1871, by the circumstance that the librarian had taken the rare pamphlet home, to examine it more carefully at his leisure. See the reprint, with photographic fac-simile and copious notes, brought out by M. Charles Read, Paris, 1875.

occasion of the composition of the piece, the author believed himself to be acting not against, but in the interests of royalty, not with the view of restricting the prerogatives of the king, but for the purpose of restoring to the king freedom of action by the removal of the bad counsellors who had usurped his name and imposed their will upon him.

It was quite otherwise twelve or thirteen years later. The short reign of Francis II. opportunely ended within a few months after the Tumult of Amboise. Subsequently, three civil wars waged in the reign of Charles IX. to crush the Huguenot party failed of their purpose. In the Massacre of Saint Bartholomew's Day (August 24, 1572) an attempt was made to effect by treachery and assassination what the sword had proved powerless to accomplish. The plan had not originally been the king's; but, having once been overpersuaded to give his consent, Charles IX. suddenly resolved that not one Huguenot should escape with his life to proclaim the royal infamy. Not only so, but the "very Christian king" was seen at a window of the Louvre, encouraging the murderers by his presence, and, according to some accounts, even firing at the Huguenots, his subjects, accompanying the act with the exclamation, "*Mort Dieu*, let us shoot, they are fleeing!" The king was not a minor; he had passed his majority. It was not a minister, or a body of ministers, that had perpetrated in his name a crime of which he was ignorant or which he had vainly attempted to prevent. To leave no doubt on that head, Charles had formally assumed responsibility, giving the lie to the first announcements published to the world. His advisers were too shrewd to allow the crime against humanity to be put to their sole account.

Resistance must now be direct resistance to the king's authority. How should that resistance be justified in view of past utterances which seemed to call for passive obedience to the legitimate sovereign save in the matter of a command to do something forbidden by God? Men now began, for the first time, distinctly to apply uncomplimentary terms to the hereditary king of France, who had revelled in the butchery of his native-born subjects. But who should decide the question, when a lawful king ceased to be such? What tribunal was competent to pass upon a question involving the rights of a monarch universally believed to govern France by virtue of a special divine grace, untrammelled by the desires of those that had been created to be his servants?

The crisis called for a writer well versed in the history of his

country, and able to discriminate between ancient custom and recent abuse. François Hotman answered the summons with alacrity. He had spent most of the interval since the death of Francis II. in France; first, with the King of Navarre, Antoine de Bourbon, and his brother, the Prince of Condé, afterwards teaching in the schools of Valence and Bourges. From this latter place he fled, on first hearing of the wound of Admiral Coligny, and, after lurking a few days in the neighborhood, managed to gain the hospitable refuge of the city of Geneva. His own narrow escape and the sight of the miserable fugitives who continued for weeks to pour into the gates of the place, witnesses and survivors of horrors almost incredible by reason of their magnitude, determined him to publish a book, calling in question the very foundation of the authority of the crowned despot who was the cause of all this misery. The result of careful study of all the old historians of French affairs, as well Germans as natives of France proper, this work was destined to gain celebrity from the evidence it gave of the learning and ability of the author, and from the startling character of its contents.<sup>1</sup> The *Franco-Gallia* of François Hotman was a truly revolutionary book. It aimed to prove that, far from being hereditary, like private possessions, royalty in France was of right, and always had been until comparatively recent times, elective; and that the king's subjects, instead of being bound to a blind and servile obedience, possessed through their assemblies, gathered in accordance with immemorial custom, the authority to remove for cause the prince whom they had elevated to the throne. Need it be said that men stood aghast at the presumption of the writer that undertook to sustain such a thesis? Need we wonder that even such a scholar as Nicéron, writing the biography of Hotman for his gallery of French worthies that have made themselves illustrious in the republic of letters,<sup>2</sup> but writing in the age of Louis XV., expressed

<sup>1</sup> I was mistaken in supposing (in the first edition of my *Rise of the Huguenots of France*, II. 615) that the book originally appeared anonymously. The title-page of the earliest edition, which I have since received, reads: "*Franc. Hotomani iurisconsulti Francogallia. Ex officina Jacobi Stærii. 1573.*" Although the place of impression is not stated, it was undoubtedly Geneva. My copy was formerly in the library of the University of Heidelberg, and was stamped and sold as a duplicate. In view of the circumstance that the work was dedicated, as it will be seen in the text, to the elector palatine, whose famous castle overlooked the university, it is not improbable that this volume was one out of a number of copies of the *Franco-Gallia* which the author presented to his princely patron, or, more probably, which the latter purchased in order to encourage and assist the brilliant but necessitous author.

<sup>2</sup> *Mémoires pour servir à l'histoire des hommes illustres dans la République des Lettres, avec un catalogue raisonné de leurs ouvrages*, XI. 109-134.

the opinion that the *Franco-Gallia*, although commendable for its erudition, is unworthy of a French juriconsult, and serves only to dishonor Hotman, even in the estimation of the Protestants themselves.

Bayle says that Hotman wrote the *Franco-Gallia* in anger. If so, the anger was all directed against the perfidious king that had been butchering his subjects; there was not a trace of anger against the land from which he had been compelled to flee. The dedicatory epistle addressed by the exile to Count Frederick, the elector palatine, breathed only the purest patriotism. Hotman repudiated the maxim that one's country is wherever one can live in comfort. Nay, he said, the land of one's birth is no step-mother whose harshness may justly be treated with contempt, but a true parent whose faults ought to be borne with filial leniency. Ancients and moderns unite in placing her claims to regard and affection above those of father or mother. An Epicurean or a Cynic may adopt for his own the sentiment of Caligula, "Let the earth burn up when I am dead!" or the yet more repulsive saying of the old tyrant, "May my friends perish, if only my enemies be involved in their destruction!" But in kindlier natures there is a certain inborn love of country extinguishable only with the extinction of all man's senses. True, the fatherland may at times be afflicted with madness. It may even give itself over to insane fury, it may in a frenzy of cruelty rend in pieces its own offspring. But let not the faults of another be laid at the door of an innocent country. Tyrants there have been in other places besides Rome, who slew good men and citizens that had deserved well of the state. There was a time when to the schools of France there flocked studious youth from all quarters of the world, as to the mart where letters could be purchased. Now these same youth shudder at the very thought of those schools, as of seas infested by pirates, and utter imprecations upon a barbarity worthy only of monsters.

What, then, is the remedy for the present disastrous state of things? It is a return, says Hotman, to the form of government which the wisdom of the fathers devised, and which prevailed for more than a thousand years. Like the human body, some states fall victims to violence from without, others to domestic sedition, still others to the inroads of time. The ills of France have a different origin. Intestine discord is not, as commonly reported, the cause but the occasion. The cause is to be found in a wound inflicted, about a hundred years back, by one — the reference is to Louis XI. — who first of all perverted the institutions handed down from the ancestors of the Frenchmen of the day. It is idle

to speak of healing the body politic before the dislocated members have been brought back each to its own place.

In accordance with the view thus propounded, the *Franco-Gallia* is an historical survey of France from the earliest times, made with the object of exhibiting the fact that the relation sustained by the people to the king is that of the appointing power to the appointee. Even before the subjection of Gaul by the Romans the author finds the one characteristic common to all the states, whether governed by the whole body of nobles or ruled by a single chief, to be that, at a set time of every year, a council was held in which were determined all matters affecting the general interests. The extent of the power of the people might be gauged by the remark of a native Gaul that the multitude exercised not less authority over the king than the king over the multitude.

But the history of France properly begins with the time when, oppressed beyond endurance by the harshness and rapacity of the Romans, the Gauls not merely favored, but actively promoted, the introduction of great multitudes of Germans from beyond the Rhine. Why the name "Franks" came to be applied to all those that settled within the bounds of what is now known as France, is a question which it interests Hotman to answer. Either the Franks were a tribe hitherto small and insignificant, whose members, because they were the originators of a momentous change, extended their name to a great nation, just as the inhabitants of Schwyz, a contracted district in the Alps, because they were the first movers in the recovery of liberty, caused the name of Helvetia to disappear before that of Schweiz, or Switzerland; or else, as the author prefers to believe, it was the very idea of freedom contained in the word "Frank" that caused the name to be applied to a considerable part of the German race when once exempt from slavery. Thus *Francisia* became the synonym of "asylum" and *francisare* represented the act of emancipation. Those therefore were properly called Franks who, having thrown off the yoke of tyranny, thought that they might retain an honorable liberty under the royal authority. "For it is not servitude," says Hotman, "to obey a king, nor are they to be esteemed slaves that obey him; but those rather who submit to the caprice of a tyrant, a robber, or a murderer, as sheep submit to the butcher, are truly to be called by that most vile name of slaves. Thus it was that the Franks always had kings, even when they professed themselves maintainers and defenders of freedom; and when they set up kings, they set not up tyrants and murderers, but guardians, overseers, protectors of their own liberties."<sup>1</sup>

<sup>1</sup> *Franco-Gallia*, 37.

Such a monarchy was, according to Hotman, as far removed as possible from a tyranny. The king possessed not one of those marks that distinguish the tyrant. He ruled over willing subjects and not by compulsion. So far from relying on a bodyguard of foreign mercenaries, he had no guard even of natives, and needed none, because he relied on the good-will of his subjects. He governed not with a view to his own advantage, but to the advantage of his subjects. And his authority was kept in salutary check by the yearly meeting of a deliberative body — a *concilium* — whose composition rendered it well adapted to the purpose. It was large; there is safety in numbers. It represented all; it is a part of liberty that those should be consulted at whose peril government is administered. It was a body in which the states of the kingdom were freely heard. In short, it was in all respects different from the council with which kings are wont to provide themselves in these degenerate days. For the council is now not the council of the kingdom, but of the king. It consults his interests alone, it is ever at court, and cannot even know the state of things in distant parts of the realm. Its members, ensnared by the temptations of court life, easily give the rein to the lust of power, to ambition, and to the desire to accumulate riches. In the end, they become not advisers of the monarch and his state, but flatterers of the prince and ministers to his desires. Far different from these are those Aragonese who, when convened for the purpose of choosing and crowning a king, address him in these striking words: "Nos que valemus tanto come vos y podemos mas que vos," etc. — "We who are as good as you, and are more powerful than you, elect you king on such and such conditions. Between you and us there is One with greater authority than you."<sup>1</sup>

The custom of holding popular assemblies for the purpose of putting a check upon royal authority does not belong to France alone, says Hotman, but is and has always been the common institute of all peoples and nations that use a royal and not a tyran-

<sup>1</sup> *Franco-Gallia*, 85. — When Mr. Prescott, in his *Ferdinand and Isabella*, I. lxxxvi (Introduction), observes that, "The well-known oath of the Aragonese to their sovereign on his accession, 'Nos que valemus tanto come vos,' etc., frequently quoted by historians, rests on the authority of Antonio Perez, the unfortunate minister of Philip II., who, however good a voucher for the usages of his own time, has made a blunder in the very sentence preceding this, by confounding the Privilege of Union with one of the Laws of Soprarbe, which shows him to be insufficient, especially as he is the only, authority for this ancient ceremony. See Antonio Perez, *Relaciones* (Paris, 1598), fol. 92," — the eminent American historian overlooks this passage in the *Franco-Gallia* of Hotman, issued just twenty-five years earlier than the publication of Perez.

nical rule. Clearly, then, the venerable right of these assemblies is a part of the *jus gentium*; and not less clearly, those kings that crush that holy privilege by their bad arts, being violators of the *jus gentium*, and having put themselves without the pale of human society, are henceforth to be esteemed not kings but *tyrants*.<sup>1</sup>

Wherein did the royal majesty reside, is a question which Hotman sets himself with earnestness to discuss; nor does he disdain to recall the pompous ceremonial that attended in the good old times the convocation of the assembly of the people. Carried in a wagon drawn by oxen to the place of its sessions, the king dismounting was conducted by his princes to a throne of state, whereupon these in turn sat down each in his own place according to rank. It was in the king thus seated in the assembly of his nobles that the royal majesty resided. With good reason, therefore, did the great seal of the kingdom in the chancellor's possession represent the king not in a military fashion on horseback, nor riding in triumph in a four-horse chariot, but in long royal robes and crowned, seated upon a throne, with the royal sceptre in his right hand and the sceptre of justice in his left, and presiding over a solemn council. For assuredly the royal majesty is to be found where the great interests of the commonwealth are under consideration.<sup>2</sup>

One of the distinct prerogatives of the popular assembly being to elect and remove kings for cause, the author not inappropriately investigates the claim of the supporters of the papal see that Pepin was elevated to the throne of France by the authority of the pope. An historical inquiry shows that the very writers upon whose testimony the claim is based reveal the fact that all that Zachary really did was to express his approval when the removal of the incompetent Childeric and the elevation of Pepin had already been effected by the French themselves.<sup>3</sup>

In the course of his argument to prove by historical examples the continued authority of the popular assembly or the states of the realm under the successors of Charlemagne and, indeed, under the monarchs of the Capetian race, Hotman pauses to refute the notion already so much in vogue to which Louis XIV. in the next century is said to have given expression in the phrase, "L'état c'est

<sup>1</sup> *Franco-Gallia*, 86.

<sup>2</sup> That is, not in the king as a man, according to the idea of the unthinking masses, who, whether he be playing, or dancing, or chattering with a group of silly women, still ever speak of his royal majesty. *Franco-Gallia*, 87, 88.

<sup>3</sup> *Franco-Gallia*, 112, 113.

moi." "Is it not plain," he exclaims, "how great a difference our ancestors made between the king and the kingdom? And indeed the matter stands thus: The king is the sole and singular prince, whereas the kingdom is the very universality of citizens and subjects. . . . The king stands in the same relation to the kingdom as the father occupies in respect to his family, the tutor to the pupil, the pilot to the sailor, the general to the army. As the pupil is not the property of the tutor, the ship of the pilot, the army of the general, but, on the contrary, these are established for the sake of the others; so the people is not the king's, but the king is sought and obtained for the sake of the people. For the people can exist without the king, supposing that it obey the counsel of its better men or its own counsel; but without a people a king cannot even be conceived of. Then again look at other points of difference. The king is mortal, just as any private man that you may please to take; the kingdom is abiding and immortal, as jurists are wont to say of colleges and universities. The king may be affected by aberration of mind and insanity, as was Charles VI. who gave his kingdom to the English—nor are there any men that are more easily unsettled in mind by the blandishments of pleasure: but the kingdom has in its *elders*, men skilled in the conduct of affairs, its appropriate and certain wisdom, as it were, lodged in the head of the state. A king may in a single battle, nay, in a single day, be defeated, taken prisoner, and led away to the enemy's dominions. No one is ignorant of the fact that this is what befell St. Louis, John, and Francis I. Yet the kingdom remains safe when the king is lost. As soon as such a calamity occurs, a council is appointed, the leading men convene and devise a remedy for present misfortune. This was done in the cases referred to. The king by reason of the infirmity of his age, or the levity of his intellect, may be influenced and depraved by this or that avaricious, rapacious, or lustful counsellor, or by a few lascivious youths of his own time of life. He may even be so infatuated by a woman as to commit to her almost the entire administration of the realm. There are few, I imagine, who do not know how many examples of this evil have occurred. But the kingdom can always rely upon the advice and the wisdom of its older men. . . . Our ancestors left to the king his own privy counsellors to care for his personal affairs; they reserved for the public assembly the choice of the older men that were to consult together and point out to the king the mode of administering the kingdom." <sup>1</sup>

To prove that the assembly of the representatives of the people

<sup>1</sup> *Franco-Gallia*, 128-130.



had not become an obsolete institution under the kings of Capetian race, Hotman gives seven examples out of many more that could have been instanced, and concludes with a chapter on "the memorable authority of the council (the states) over Louis XI." Of this monarch's perjury he observes that it was expiated as well by his own infamy as by the ruin of the people. "However this may be," he adds by way of conclusion, "it is evident that less than one hundred years have elapsed since the liberty of France and the authority of the solemn assembly were in vigor, and in vigor against a king weak neither in age nor in mind, but already forty years old and possessed of such greatness of intellect as plainly never was found in any other king of ours. Thus may it be understood that our commonwealth, founded and established in liberty, retained for more than eleven hundred years that free and venerable constitution (*statum*) which it possessed, even by force of arms against the power of tyrants."<sup>1</sup>

To the discussion of matters evidently germane to the subject of his treatise, Hotman appended two inquiries the connection of which with his main purpose was less close, although a nearer examination will show his reasons. The chapter devoted to the question, whether women, while excluded from the throne, might not act as regents of the kingdom, found its justification in the circumstance that the malignant influence of the queen mother, Catharine de' Medici, could be traced in all the crimes and blunders that had lately culminated in the frightful Parisian Matins. The final chapter of the work, wherein the judicial parliaments of France were shown to have secured for themselves an exorbitant influence in the state by a series of usurpations, beginning with an unjustifiable appropriation of the name *parlamentum* belonging to the old representative assemblies of the people, was doubtless the fruit of that just indignation which filled every patriot's heart when he learned that the Parliament of Paris, the highest court in the realm, had stooped so low in obsequious submission to Charles IX., as not only to witness without remonstrance the massacre of the innocent victims of St. Bartholomew's Day, but actually, through its president, Christopher de Thou, to praise the monarch for the dissimulation by which he had succeeded in crushing the pretended conspiracy of the Huguenots.

Such is a brief synopsis of the *Franco-Gallia* — a book with its faults, indeed, but notwithstanding Niceron's assertion, by no means a book for the most learned of the jurisconsults of his age to be ashamed of. So far as erudition was concerned, it was a

<sup>1</sup> *Franco-Gallia*, 145.

marvel that, in the brief space of a twelvemonth, its author had been able to master and co-ordinate the vast mass of history and chronicle which he laid under contribution, even though we grant that it was a trained mind and a memory well stored with fact that he brought to his undertaking. Augustin Thierry and others that have followed him, have not, it is true, been slow in calling attention to the circumstance that Hotman, in his eagerness to establish his main thesis, "made no account of differences of times, manners, origin, and functions, confounding under a single name, as though they were things the same in nature, the states-general of the Valois, the parliaments of the barons under the first kings of the third race, the politico-ecclesiastical assemblies of the second race, the military reviews and the courts of the first race, and, back of all, the convocations of the German tribes such as Tacitus describes them."<sup>1</sup> They have pointed out that the author thus rendered his proof inconclusive and reached false conclusions. But they have not failed to do ample justice to the singular learning and originality of his work.<sup>2</sup>

The impression produced by the *Franco-Gallia* was evidenced by the attempted replies, less learned and cogent than abusive of the author. These need not occupy us. It is more to my purpose to trace the development of Hotman's political ideas.

Two other books having an immediate bearing upon the history of the events of St. Bartholomew's Day emanated from Hotman's pen, the one in the very year of the publication of the *Franco-Gallia*, the other two years later. The former was a clear and simple narrative of the Massacre, under the title *De furoribus gallicis*. The author hid his identity beneath the pseudonym *Ernestus Varamundus*. The latter was a memoir of Gaspar de Coligny written by Hotman at the request of the admiral's widow, and was the most authentic connected account of the life, especially the inner life, of the great Protestant hero.<sup>3</sup> In neither of these books, interesting though they be, are we to look

<sup>1</sup> Augustin Thierry, *Considérations sur l'histoire de France*, prefixed to his *Récits des temps Mérovingiens* (2ième édit., Paris, 1842), I. 52, 53.

<sup>2</sup> *Ibid.*, I. 57. Thierry adds (58): "Du reste, son érudition était saine en grande partie, et la plus forte qu'il fut possible d'avoir alors sur le fonds de l'histoire de France."

<sup>3</sup> *Gasparis Colini Castelloni, magni quondam Franciæ Amiralli, vita*, 1575.—We have the curious letter, dated January 15, 157 $\frac{2}{3}$ , in which the widow, a prisoner of the Duke of Savoy, begs the great scholar to do justice to the memory of her murdered husband, adorning her appeal with a wealth of classical allusion which was in fashion at the time, but would now seem strangely out of place. See *Bulletin de la Société de l'histoire du Protestantisme français*, VI. 29. Geneva was so exposed to danger from without that the timid magistrates declined to permit the *Life of Coligny* to be printed within their jurisdiction.

for the sequel of the *Franco-Gallia*, but, rather, as Sayous has shown in his admirable sketch of Hotman,<sup>1</sup> in an anonymous production which came out a year later, and which, although surely not composed by Hotman, may just as surely be regarded as inspired by him. I refer to the treatise, consisting of two dialogues, that bore, in its French form, the title, *Reveille-Matin des François et de leurs Voisins*, and in its Latin form the title, *Dialogi ab Eusebio Philadelpho cosmopolita in Gallorum et cæterarum nationum gratiam compositi*.<sup>2</sup>

Here what was merely hinted in the *Franco-Gallia* is expressed in clear terms. The statements of Hotman are reproduced, sometimes in almost the identical words, and his work is referred to with unstinted praise;<sup>3</sup> but now a practical application is given to what was previously mere theory. Near the close of the first dialogue, or part, we have the sketch of a new form of government drawn out in forty articles, according to which the Protestant municipalities may manage their affairs under an elected leader or chief until such time "as God who holds in his hand the hearts of kings may either change the tyrant's mind and restore the French kingdom to its former dignity and liberty, or excite some neighboring prince who may by his own valor and by marks divinely impressed upon him be recognized as liberator of a ruined people."<sup>4</sup> The writer insists upon the mutual obligations of magistrates (including kings) and subjects. Whatever the form of government, it is affirmed that the magistrate was chosen by the people for their own advantage. Obviously they never would have chosen him and empowered him to treat the people just as he pleased. They bound him by an oath that he might be a terror to evil-doers and a defence to the good. When, therefore, rulers stray from the end for which they were created, the obligation of the people is dissolved—"as when kings become tyrants and from good princes they become *Charles the Ninth*."<sup>5</sup> It is the function of the same person that bound also to loose the bond. The three estates are derelict to their trust if they permit royalty to turn into tyranny. They are the supreme magistrates, above the king himself. But what if the popular rights have

<sup>1</sup> *Études littéraires sur les Écrivains français de la Réformation*, II. 40 seqq.

<sup>2</sup> The imprint, "Edinburgi, ex Typographia Iacobi Iamaei, 1574," does not prove that the book was published in Scotland. It was probably issued at Bâle or Strasbourg.

<sup>3</sup> *E.g.* in the second dialogue, 134: "Cujus formam elegantissime confecit et descripsit in sua Francogallia Hottomanus."

<sup>4</sup> *Dial.* I. 99.

<sup>5</sup> *Dial.* II. 63: "Ut cum reges sunt tyranni, et ex bonis principibus fiunt Caroli noni."

fallen into desuetude through stupid negligence? The same answer must be given that is so often in kings' mouths. If there is no prescription against the king, much more is there no prescription against the state and the rights of that people from whom the election and the power of the king depend. "No space of time is long enough to act as a bar to the rights of the people; so that princes who by evil craft and the violation of the laws of the realm crush the freedom of the states should no longer be esteemed kings, but tyrants and wicked enemies of the commonwealth."<sup>1</sup> Nay, so personal was the application of the principles enunciated that Charles IX. was declared to be the assassin of his fatherland, and, as such, deserving of the punishment meted out of old to parricides; namely, to be sewed up in a bag in company with a serpent, a cock, and an ape. For the first of these Catharine de' Medici might rightly stand, the Duke of Anjou, her son, for the second, and Retz for the third. The punishment of the four might atone for the sins of the entire realm.<sup>2</sup>

These were brave words, and the principles enunciated by Hotman and elaborated and applied under his inspiration were calculated to stimulate powerfully the assertion of the popular liberties. The movement ran parallel with and breathed the very spirit of Protestantism—a protest against absolutism in state as well as in religion, a vindication of the rights of the intellect of the individual as against the claim of blind submission to prelate and secular ruler. It was in accord with the popular form of government which, in fact, the Huguenots had instituted for themselves in their ecclesiastical system with its representative courts and synods. How came it then that, whatever the ulterior results may have been, the theories of Hotman and of those who took up those theories and seemed likely to carry them on to triumphant realization, almost immediately lost their hold upon men's minds, leaving France to drift more and more into unqualified despotism, leaving the Huguenots, in particular, to adopt views of the relation of the prince to his subjects that proved the most efficacious means of their own undoing?

Primarily, it was the change that rapidly came over the political situation of France. When the *Franco-Gallia* and the *Reveille-Matin* saw the light, the Huguenots were in the first glow of excitement occasioned by an experience of the treacherous cruelty of the king of France and his advisers. Men were not averse to discussing the question, how a monarch such as the man of whose perfidy they were the victims must be regarded. But

<sup>1</sup> *Dial.* II. 66, 67.

<sup>2</sup> *Ibid.*, 76.

soon Charles IX. was succeeded upon the throne by his brother, Henry III.; and, before many years, the childlessness of the new king led both Roman Catholics and Protestants to view the probability that, in the natural order of events, the crown of the kingdom of France might ere long pass to a Huguenot. As much as the prospect delighted the one party, so much it filled with dismay the hearts of the adherents of the other party. The greater number of the Roman Catholics viewed the possibility of a "heretic" sitting on the throne of the "most Christian" kings of France as a contingency too horrible for words to describe or for heart to conceive, and looking about them for an escape, found it in the substitution, by election or otherwise, of some person of unimpeachable orthodoxy, whether a Bourbon or a Guise. First of all, it was deemed highly desirable, if not absolutely necessary, to obtain an authoritative declaration that Henry of Navarre, as a relapsed heretic, had forfeited the crown. This declaration was secured by the "League" from Pope Sixtus V.

Now it was no abandonment of the positions which Hotman had taken in the *Franco-Gallia* for him to attack the bull of Sixtus and espouse the rights of Henry of Navarre. On the contrary, he had in that work devoted an entire chapter, and that by no means the least interesting, to a proof of the falsity of the story that Childeric was dethroned and Pepin elevated to the throne in his stead by the authority of Pope Zachary. Lestoile's counter-manifesto, made in the name of the king of Navarre and the Prince of Condé, in which he asserted that "Mr. Sixtus, styling himself pope (saving his holiness), had falsely and maliciously lied and was himself a heretic," was a more sprightly and amusing production; but Hotman's *Brutum Fulmen* was a piece of ordnance of quite a different calibre and of much superior effectiveness.<sup>1</sup> The bolt hurled by the pontiff at the brave king of Navarre was shown to be a very impotent missile after all, because founded on a judgment that was null and void by reason of the incompetency of the judge, the falsehood of the alleged causes, the flaws in the procedure, and the stupidity of the sentence.

But when, three years later, Hotman gave to the world a treatise entitled *De jure successionis regiae in regno Francorum*, in which were collected from approved authors sentiments favorable to the claim of the Huguenot prince to the throne as the legitimate successor in direct line, he certainly gave a handle to those that

<sup>1</sup> *Brutum Fulmen Papæ Sixti adversus Henricum serenissimum Regem Navarra*, etc. [1585]. I have used the fourth edition, which was issued without date or place of publication.

accused him of a complete change of front.<sup>1</sup> True, he did not surrender his former contention that the people are justified in refusing obedience to the king that violates the laws and becomes a tyrant; but he seemed, for the time, to forget the rights of the people in his anxiety to establish the rights of the Huguenot monarch. And this, too, although to the end of his days he continued to regard the *Franco-Gallia* with peculiar affection as the greatest work that he had written. "There were not wanting counter-propositions from the League," remarks Sayous,<sup>2</sup> "to match the propositions of Hotman, and each party rivalled the other in learning and in zeal to refute itself." It was on this occasion that Bayle indulged in the mocking expressions respecting the instability of certain human opinions which I have placed at the head of the present article.

As time passed, the Protestants were led to become the supporters of extreme views of loyalty.<sup>3</sup> Of this their devotion to Henry of Navarre was not the sole cause. The circumstance that many of the great nobles of France belonged to their party, some connected by blood with the royal house, and many more having an interest in the maintenance of the royal prerogative, conduced to the same end. After the assassination of Henry IV. at the hand of a supposed tool of the Order of Jesus, the Protestants were driven by the force of events to assert in the strongest terms, as against the teachings of that order, the sacred character of the person of kings, with the correlated doctrine of the obligation of the subject to render to the prince implicit and unqualified obedience. Interesting though the discussion might be, we cannot here trace the disastrous effect of the views that now became popular, both upon the Huguenots themselves and upon monarchs, who should have protected them on account of their loyalty; but who, on the contrary, were only the more emboldened to oppress

<sup>1</sup> It is not surprising that a contemporary panegyrist like Gaucher, better known as Scævola, de Sainte-Marthe, while not dropping even a hint of the doctrines propounded by Hotman in the *Franco-Gallia*, should have extolled the learning and ability of this later treatise. Hotman died, remarks Sainte-Marthe, in his sixty-sixth year, "cum paucis ante annis libellum edidisset *plane aureum*, quo impendentem apud Gallos inter patrum [Cardinal Charles of Bourbon] et patris filium de regiae successionis jure controversiam, non minus vere quam erudite in gratiam Henrici legitimi successoris explicavit." *Scævole Sammarthani Elogia doctorum in Gallia Virorum qui nostra patrumque memoria floruerunt* (Nova ed., Ienæ, 1696). Lib. IV. 74.

<sup>2</sup> *Études littéraires*, II. 53.

<sup>3</sup> The author of a somewhat rare opuscle, published just after the accession of Henry IV., quotes with approval the sentiment of Tertullian that the monarch is second only to God. There is no third power that is free from subjection to him, or has authority over kings themselves. The writer is opposing the pretensions of Sixtus V.; but in his

them because they were assured that no degree of violence would cause such submissive subjects to revolt. Let it suffice to sum up the story in the words of the historian Le Vassor, a keen observer of events, and a candid and truthful critic:<sup>1</sup> "The Reformed of France are deserving of praise for having so courageously defended the sovereign and independent authority of their king against the enterprises of the pope and the clergy. But these good people seem to have forgotten their true interests and those of their country in themselves laboring for the establishment of that absolute and arbitrary power whose terrible effects they have since experienced. By a too great passion for distinguishing themselves from the Roman Catholics, imprudent or flattering ministers unceasingly preached the necessity of blind obedience to the sovereign's orders, however unjust these might be, when he exacted nothing against religion and conscience. Meanwhile, the court, skilful in taking advantage of the favorable disposition of men's minds, wrought effectually to enfeeble the Reformed party and to make sure of those who might have sustained it. Consequently it has not proved very difficult to overwhelm in the end poor people incapable of defending themselves, and imbued with that tyrannical maxim, which had long been represented as a religious principle, that the king is the master of the life and property of his subjects."

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zeal to support royalty, he ignores the superiority of the states-general which was asserted by Hotman. He even goes to the length of justifying the king's predecessor in his treacherous murder of the Duke of Guise and his brother, the cardinal. *Jehova Vindex, sive de rebus Gallicis*, Bremæ, 1590. Whether the author, who calls himself Jacobus Francus, was a Frenchman or a German, he fully represented the sentiment of the Huguenots, and was rewarded by the papal authorities by honorable mention in *Index Librorum Prohibitorum*, s.v. Lauterbach.

<sup>1</sup> *Histoire du règne de Louis XIII.* (Amsterdam, 1701), II. 339, 340.